



03-31-05

IFW

PATENT  
Customer No. 22,852  
Attorney Docket No. 08702.0039-02000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Wang et al. ) Group Art Unit: 1647  
Application No.: 09/804,625 ) Examiner: David S. Romeo  
Filed: March 9, 2001 )  
For: NOVEL BMP PRODUCTS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.  
Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a concise statement of relevance of the non-English language documents.

1. JP63181770 discloses compositions comprising artificial bone cured and formed by mixing calcium triphosphate, acid, protein, and water.
2. JP5277174 discloses methods for producing calcium phosphate and gelation bioimplantation materials.
3. JP51-0233901A discloses bioimplantable compositions comprising calcium phosphates, carboxymethyl ketene, collagen, and gelatin.

Applicants include these references because they were cited in other BMP applications assigned to Wyeth, Applicants' assignee. Applicants have not considered or characterized these references, but are simply submitting them for the Examiner's consideration.

Applicants will continue to submit all documents that are material to patentability as they become aware of them.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

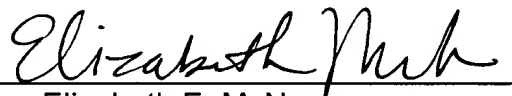
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: 3/30/05

By:   
Elizabeth E. McNamee  
Reg. No. 54,696



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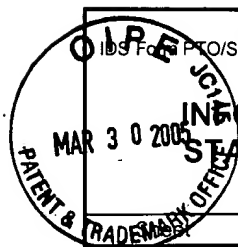
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I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "K. Bastarache", written over a horizontal line.

Kathleen M. Bastarache



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

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## **Complete if Known**

Application Number	09/804,625
Filing Date	March 9, 2001
First Named Inventor	Wang
Art Unit	1647
Examiner Name	D. Romeo
Attorney Docket Number	08702.0039-02000

## **U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
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		3,955,719	11 May 1976	Pheulpin	
		4,191,747 A	04 Mar 1980	Scheicher	
		4,294,753	13 Oct 1981	Urist	
		4,394,370	19 July 1983	Jeffries	
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
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				Examiner Name	D. Romeo
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

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Exami ner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translati on <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EP 0 052 510	26 May 1982			
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			Application Number	09/804,625	
			Filing Date	March 9, 2001	
			First Named Inventor	Wang	
			Art Unit	1647	
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